IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

Civil Writ Petition No.3500 of 2006

Dr.Anamika @ Farzana Rajkumar Singh Petitioner

Vs.

Dr.Rajkumar Shivkumar Singh Respondent

Mr.A.S.Khandeparkar with Ms.Shilpa Joshi for petitioner.

Mr.Y.E.Memon for respondent.

CORAM: B.H.MARLAPALLE,J.

June 07, 2006.

P.C.

. Heard Mr.Khandeparkar with Ms.Joshi, learned counsel for the petitioner-wife. By the impugned order dated 9/5/2006 the learned Judge of the Family Court at Mumbai has granted initial access to the father with his son on Sunday from 21/5/2006 between 9 a.m. to 5 p.m., in addition to the regular access available as at present in the Family Court premises on 1st and 3rd Saturdays and 2nd and 4th Tuesdays. No grievance is made against this part of the order by the petitioner-mother.

. However, the petitioner has resisted the further part of the order which states that after three months the father will have overnight access on every Saturday and Sunday. It is submitted that the minor son-Arya is going through psychological hypertension and, therefore, the access of two days in a week commencing from 21/8/2006 may further deteriorate his health conditions. In addition it is submitted that the petitioner-mother, who is also a doctor, is likely to lose the son's company on Saturday in addition to Sunday.

. I have no doubt that the reasoning given by the learned Judge of the Family Court cannot be termed as perverse or grossly erroneous so as to cause interference in the same in a writ petition under Article 227 of the Constitution and, therefore, the challenge to the impugned order is unsustainable.

. The petition is disposed off by directions that before the access from 21/8/2006 starts, the Family Court will subject the child to a medical examination around 15th August 2006 and if the learned Judge is satisfied that the medical conditions of the child warrant variation in granting

access for two days i.e. Saturday and Sunday, both the parties will be heard and the order may be modified if so required. The main petition is directed to be expedited.

(B.H.MARLAPALLE,J.)